

Green Guides Regulatory Review
16 CFR Part 260
Comment
Project No. P954501

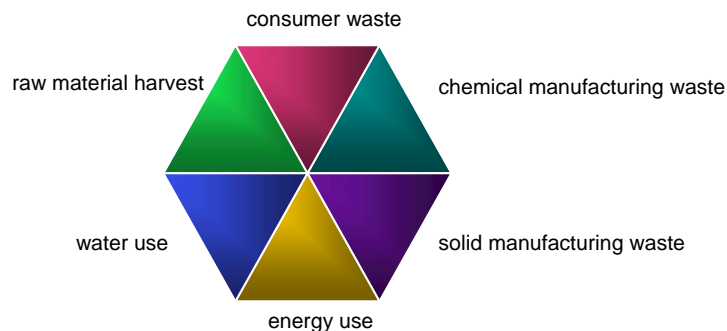
11 February 2008

*Regarding Section B. Specific Issues; Question 2:
Should the Guides be revised to include “sustainable” claims? If so, why, and what guidance should be provided?*

The Guides should be revised to include “sustainable” claims, as the concept of sustainability has achieved common usage in the discourse on environmental protection. Through the Green Guides, the FTC is in a unique position to encourage environmentally sustainable production and consumption. By articulating key principles of environmental sustainability to manufacturers and consumers, the FTC can continue to provide manufacturers with the most current information needed to avoid fraudulent marketing claims and consumers with a heightened awareness of the facts behind environmental marketing claims. We propose two options for incorporating sustainability guidelines into the existing Green Guides.

In the first option, the term “sustainable” may be used to reflect one or more components of production that do not: A) mine raw materials beyond their ability to regenerate and, B) produce waste beyond the ecosystem’s capacity to assimilate it or break it down. For example, a timber company harvesting at sustainable levels (below maximum sustainable yield) may claim “Sustainably Harvested” on its packaging, and a factory that runs on 100% renewable and non-greenhouse gas producing energy (solar and wind, for example) may claim that it is “Sustainably Powered.”

Crucially, no product can be fully sustainable unless all aspects of its life cycle meet the criteria for sustainability. We therefore propose, that in order to not be misleading, marketers wishing to claim “sustainability” in their advertising or packaging must disclose exactly which components of the production cycle are AND are not sustainable. Any sustainability claim about one component of product’s life cycle that conceals or does not reveal other components is misleading. We have developed a simple graphic to illustrate this idea:



This graphic illustrates a framework for manufacturers to map the ecological sustainability of their products and consumers to rely upon when making purchasing decisions. We recommend that manufacturers making sustainability claims be required to use this symbol (or something similar) on all product packaging and/or labeling. Protocol would allow the manufacturer to fill in triangles corresponding only to the domains in which they meet criteria for ecological sustainability. For the domains in which they do not meet criteria for ecological sustainability, the corresponding triangles would be left blank.

An alternative to this piecewise sustainability framework would be to limit the use of the word “sustainable” to products that meet criteria for what we call “Whole Sustainability.” This approach would allow sustainability claims for manufacturers that meet all six domains in the illustration above. Failure to meet any one domain would bar manufacturers from making sustainability claims. Furthermore, marketing is, in many ways, contrary to the concept of sustainability. Production of goods can only expand to the constraints of the ecosystems and natural resources they depend upon, not to exponential consumer demand. Therefore, manufacturers who wish to claim Whole Sustainability should pledge to maintain production within ecological constraints and to use marketing to create demand for sustainable products over unsustainable ones, without excessively expanding demand in general. Restricting sustainability claims to meet the Whole Sustainability framework is a more aggressive and more difficult approach but, we argue, a more accurate reflection of a strong notion of sustainability.

Thank you for considering our comments and you proceed with your review of the Guides. Please note that our ideas are not fully formed at this time. We are enrolled in a course on environmental sustainability in the University of Michigan’s School of Natural Resources and Environment and intend to further develop our recommendations as the term progresses. Though the deadline for submission will have passed, we intend to submit fully developed recommendations and hope that the FTC will find them useful.

Respectfully submitted,

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